Background & Pre-Employment Screening Policy

Effective Date: July 2020
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Pierce Transit is committed to promoting a safe environment for our employees and the traveling public. We will accomplish these commitments though an effective pre-employment screening policy. This policy outlines the requirements and guidelines for conducting background and pre-employment checks.

Applicants are expected to provide accurate and complete information during the application process. Any applicant who refuses a background check or who makes false statements or omits facts about his or her background will be disqualified from employment, promotion or transfer as applicable. **Pierce Transit reserves the right to disqualify any applicant if they do not successfully pass each step of the background and pre-employment screening process.**

Background check components are based upon the type of position, business necessity, and applicable state and federal laws, policies and regulations. All offers of employment shall be made conditional upon the successful completion of a background and pre-employment check, as determined by Employee Services, in conjunction with the hiring department. Depending on the requirements of the classification, the following background and pre-employment screening(s) may be conducted:

- ✓ Criminal Background
- ✓ Driver Abstract Review
- ✓ Employment Verification
- ✓ Reference Check
- ✓ Credit Check
- ✓ Verification of Education
- ✓ Physical
- ✓ Drug Screen
- ✓ Polygraph (Public Safety)
- ✓ Psychological Exam (Public Safety)
- ✓ Public Safety Background Investigation
- ✓ Public Safety Suitability Assessment

I. Criminal Background

All applicants offered employment for Pierce Transit positions must undergo a criminal background check. Following conditional offer of employment, Pierce Transit's Employee Services Department will obtain and evaluate the criminal history information of applicants who have been offered conditional employment and authorized the background review process be conducted. The applicant must authorize the background investigation in writing, using the forms provided by Employee Services. Criminal history information includes conviction data and criminal history records for incidents occurring within the past ten (10) years, including those still pending in the criminal justice system. The hiring manager will be notified whether or not the applicant is cleared for employment but will not receive the details of the report.

Employee Services is responsible for ensuring the confidential transmission, storage and destruction of background check reports and related records. Criminal background checks for applicants selected for employment will be kept in a separate file from their personnel records and preserved for six (6) years after separation of employment from Pierce Transit and the records are no longer needed for agency business. Criminal background checks for applicants not hired will be retained for three years after the position is filled and/or the recruitment effort is terminated.

Third party service providers, called Consumer Reporting Agencies (CRA), may be used to assist Employee Services in conducting thorough and accurate background checks. In compliance with the Fair Credit Reporting Act (FCRA) guidelines, criminal background checks will be conducted for one or more of the following reasons:

- Unsupervised access to children under sixteen (16) years of age or developmentally disabled persons or vulnerable adults during the course of employment with Pierce Transit in accordance with RCW 43.43.830 through 43.43.845.
- Direct access to or control over cash, checks, and credit card account information (includes cash handling or credit card acceptance positions).
- Authority to commit financial resources of Pierce Transit through contracts on a routine basis. Control over agency-wide business processes, either through functional roles or systems security access (includes network administrators and system programmers or analysts).
- Access to detailed personal information about employees that might enable identity theft (includes Employee Services staff and payroll specialists).
- Possession of building master or sub-master key access to agency facilities.
- Regular operation of Agency vehicles as part of assigned job duties.

In determining whether an applicant (external or internal) with a criminal history should remain a candidate for the position, the following factors will be considered:

- The nature and gravity of the offense(s) or conduct at issue;
- The time passed since the offense(s) or conduct and/or completion of sentence; and
- The nature of the job held or sought.

In addition, Employee Services reserves the right to consider any post-offense/post-sentence rehabilitation efforts, including a candidate's subsequent employment history. To ensure employment processes are consistent with business necessity, Employee Services will determine how criminal background information will be considered as it pertains to the specific job classification.

II. Driver Abstract Review

All prospective employees applying for positions that require the employee to operate a motor vehicle as part of their job duties must meet the driver abstract review requirements. This also applies to any employee who had not previously occupied a position in a classification requiring this type of background check.

The following chart shows how an applicant's driver record (abstract) will be reviewed and scored. **A "DQ", or more than five (5) points in the defined time frame, will automatically disqualify the applicant from employment, or the employee from the position where a driver license is required for the position.** This screening criteria is used for any position which requires a driver license (or CDL).

Transit Operators and Relief Transit Operators (exempt from 10-year lookback limitation due to having unsupervised access to children under sixteen (16) years of age, developmentally disabled persons or vulnerable adults):

Criteria	Points	Time Frame
Negligent homicide	DQ	None
Reckless, accident involved	DQ	None
DUI/DWI	DQ	None
Hit & Run – attended	DQ	None
Denied a WA driver license	DQ	None
Driver license revoked	DQ	None
Negligent, accident involved	DQ	None
Reckless driving, no accident	6	5 YRS
Suspended license	6	5 YRS
Hit & Run – unattended	6	3 YRS
Negligent driving, no accident	6	3 YRS
Speeding over 26 MPH	5	3 YRS
Accident involved, infraction	4	3 YRS
Infraction, no proof of insurance	4	3 YRS
Speeding 20-25 MPH	4	3 YRS
Speeding 11-19 MPH	2	3 YRS
Moving violation, no accident	2	3 YRS
Speeding less than 11 MPH	1	3 YRS
Photo infraction	1	3 YRS

Suspension, revocation and disqualification – the 5-year time frame is counted starting from the point when the suspension, revocation or disqualification ended, and the license was again valid.

All other classifications requiring driver license or CDL:

Criteria	Points	Time Frame
Negligent homicide	DQ	10 YRS
Reckless, accident involved	DQ	10 YRS
DUI/DWI	DQ	10 YRS
Hit & Run – attended	DQ	10 YRS
Denied a WA driver license	DQ	10 YRS
Driver license revoked	DQ	10 YRS

Negligent, accident involved	DQ	10 YRS
Reckless driving, no accident	6	5 YRS
Suspended license	6	5 YRS
Hit & Run - unattended	6	3 YRS
Negligent driving, no accident	6	3 YRS
Speeding over 26 MPH	5	3 YRS
Accident involved, infraction	4	3 YRS
Infraction, no proof of insurance	4	3 YRS
Speeding 20-25 MPH	4	3 YRS
Speeding 11-19 MPH	2	3 YRS
Moving violation, no accident	2	3 YRS
Speeding less than 11 MPH	1	3 YRS
Photo infraction	1	3 YRS

The above criteria will be also used for an employee in administrative-type position where a driver license is not required but prior to the employee having access to an agency vehicle. Failing to pass these criteria will not result in separation from employment where a driver license is not required for the position, only that the employee will not be approved to use an agency vehicle.

III. Consumer Report and Credit Check

Pierce Transit may obtain a consumer report, consistent with the guidelines set forth by the FCRA. A "consumer report" means information by a consumer reporting agency that bears on a consumer's creditworthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living. A background check will not include consideration of an employee's or applicant's creditworthiness, credit standing, or credit capacity unless required by law, or unless such information is substantially job-related and the reasons for the use of the information are disclosed to the individual in writing. When obtaining a consumer report, Pierce Transit must:

- Certify to the consumer reporting agency that the employer is in compliance with the FCRA and will not misuse the information it receives;
- For job applicants who are not current employees, disclose to the applicant its plans to obtain a consumer report and that the information received will be used for purposes of considering the individual for employment.
- Notify the applicant or employee in writing of the reasons for use of creditworthiness, credit standing, or credit capacity information, if applicable.
- Obtain written authorization from the applicant or employee;
- Inform the individual of their right to request additional information on the nature of the report and the means through which such information may be obtained;
- Inform the applicant that the report will include information about the individual's character, general reputation, personal characteristics, etc.;
- Provide the individual with a summary of their rights under the FCRA.

For current employees, consumer reports may be used for employment purposes, such as evaluating the employee for employment, promotion, reassignment, or retention. Pierce Transit may also obtain consumer reports, with or without notice to the employee, if it has reasonable cause to believe that an employee has engaged in specific activity that violates the law.

To be eligible to apply for promotion into a position which requires a Commercial Driver License, current employees may not have more than one preventable accident in the previous twelve months.

IV. Education and Professional Credential Verification

Where a degree, professional/trade license, or certification is required for a position, Employee Services will verify that such degree or certification, as listed on the applicant's information, has been obtained. If the background check does not support the applicant's stated educational accomplishments, Pierce Transit reserves the right not to accept the individual for employment.

V. Professional and Personal References / Employment Verification

With the applicant's consent, Employee Services will contact current and past employers to determine information regarding the individual's fitness for employment. Information may be collected pertaining to the quality and quantity of work performed by the applicant, the applicant's attendance record, education and other issues that can impact job performance, as well as verification of dates of employment and reasons for separation. As a part of reference checking and employment verification, Pierce Transit may submit a request for public records, as applicable, for personnel and performance-related information.

VI. Pre-employment Physical

All prospective employees applying for positions that require a functional assessment must pass a pre-employment physical test. This also applies to any employee who had not previously occupied a position in a classification requiring this type of background check. Pre-employment physical examinations will be conducted and considered in accordance with federal, state, and/or local laws, such as those published by the U.S. Department of Transportation (DOT) and the U.S. Federal Transit Administration (FTA).

VII. Drug and Alcohol Screening

All prospective employees applying for safety-sensitive positions that require the employee to be in the random drug and alcohol testing pool, as federally mandated or as provided for by agency policy, must pass a pre-employment drug and alcohol test. This also applies to any employee who had not previously occupied a position in a classification requiring this type of background check.

Pre-employment, random, reasonable suspicion, return-to-duty, accident, and follow-up drug and alcohol testing for safety-sensitive functions will be carried out in accordance with federal, state, and/or local laws and guidelines, including those published by the DOT and FTA. Employees in non-safety-sensitive positions are also subject to drug and alcohol screening in accordance with Pierce Transit policy.

For positions that require the performance of safety-sensitive functions, Pierce Transit is also required to request information about drug and alcohol testing history from DOT-regulated former employers with whom the applicant worked within the last two (2) years. Employees must provide written consent. If the employee/candidate refuses to provide this written consent, Pierce Transit cannot permit the employee to perform safety-sensitive functions, and the lack of consent may disqualify the candidate/employee. Requests for prior drug and alcohol testing records and actions taken as a result of test results and testing history will be conducted in accordance with federal, state, and/or local laws, including those published by the Department of Transportation.

VIII. Public Safety or Critical Infrastructure Positions

For positions in the Public Safety Department, or those required by Homeland Security to undergo additional background screening, additional pre-employment screening tools such as a polygraph test, fingerprinting, psychological test and/or a more extensive investigative background search may apply.

Adverse Action Procedures

Before taking any adverse action in connection with a consumer report, Pierce Transit will notify the applicant of the adverse action being contemplated (adverse hiring decision, denial or promotion, termination of employment, etc.) and provide the applicant with the following information:

- A copy of the consumer report obtained from the CRA and relied upon to make a decision.
- A summary of the applicant's/consumer's rights under the FCRA, titled "A Summary of Your Rights Under the Fair Credit Report Act". This summary is a standard document created by the Federal Trade Commission (FTC) and can be found at http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre35.pdf.
- The name, address and phone number of the CRA providing the report.

After providing notice, Pierce Transit will wait for five (5) business days, during which time the applicant is afforded an opportunity to notify Pierce Transit of any inconsistencies or inaccuracies in the consumer report. If the applicant does not provide any information or the additional information offered is not compelling, Pierce Transit may proceed with adverse action.

Employee Services will evaluate the information provided by the applicant. If the evaluation supports continued consideration for employment, the applicant will remain as a candidate. However, a second notice will be issued if an adverse hiring decision is necessary. This notice will include a description of the adverse action taken by Pierce Transit and the following information:

- The name, address, and phone number of the CRA.
- A statement indicating the CRA supplying the report did not make the decision to take the adverse action and cannot give specific reasons for the decision.

- Notice of the applicant's right to dispute the accuracy or completeness of any information furnished by the CRA and obtain an additional free report from the CRA within sixty (60) days.

Nothing in this policy shall be interpreted to limit Pierce Transit's right to conduct background checks on current employees when circumstances warrant and when permitted by applicable laws.

When Pierce Transit determines that an applicant's criminal history should preclude employment for the position sought, the applicant will be notified and may request an individualized assessment. This assessment will provide an opportunity for the applicant to share additional information regarding adverse information in the consumer report that would affect his/her consideration for employment. The applicant will have an opportunity to demonstrate that exclusion should not apply, or there are special circumstances that warrant consideration. The individualized assessment may include consideration of the following information:

- The facts or circumstances surrounding the offense;
- The number of convictions;
- Age at the time of the offense or the time of release from prison or jail;
- Evidence the applicant performed the same type of work post-conviction with no known incidents of criminal conduct;
- Employment history before and after the offense;
- Rehabilitation efforts, such as education and training;
- Employment or character references along with any other information regarding fitness for the position;
- Whether the individual is bonded under a federal, state, or local bonding program.